

## DECLARATION OF MARK GORRES

I, Mark Gorres, am over 18 years of age and am competent to testify. I declare as follows:

1. I am a resident of Germantown, Maryland.

2. Starting in 2018, for approximately three-and-a-half years, I worked at Nazco Enterprises, a company that renovates major hotels. I was most recently a senior superintendent.

3. Nazco is a Maryland corporation, and made contributions to Maryland's unemployment system for its employees, including me. Nazco has projects in several states, and I worked on Nazco projects in Florida, Alabama, and Massachusetts during my time with the company.

4. In May 2021, as a result of business losses during the pandemic, Nazco laid off several employees, including me.

5. Towards the end of the month, around Memorial Day 2021, I applied for unemployment benefits with the Maryland Department of Labor (MDL) using the BEACON portal. I filed a weekly certification along with my application for benefits.

6. I elected to receive my BEACON communications via email but I did not consistently receive them in that way. Sometimes communications would appear in BEACON that I had not received an email about.

7. Finding "correspondence" from MDL in BEACON was not intuitive for me. I did not know that I was supposed to leave the search fields under the correspondence tab blank and then hit "search" without specifying what I was searching for. I only figured this out after calling MDL and having an agent explain the search process to me.

**EXHIBIT 1**

8. Two letters dated June 10, 2021 appeared on my BEACON portal. The first said that I was eligible for \$0 in Regular Unemployment Insurance (UI) benefits, but it did not explain why or make any determination about my eligibility for any other type of UI benefit, such as Pandemic Emergency Unemployment Compensation, Pandemic Unemployment Assistance, or Federal Pandemic Unemployment Compensation. The second letter stated that my name, date of birth, or Social Security Number “do[] not match official records” and advised that “no benefits will be paid until your information is corrected and confirmed.” Around the same time that I received these letters, I discovered that my BEACON account was frozen and inaccessible, and I was unable to file weekly certifications.

9. In response to these letters, I called MDL to find out what to do. I had to call repeatedly and was placed on hold for long periods before I could reach anyone. Eventually, I spoke with a representative who told me that MDL had issued the notice indicating that I was ineligible for benefits (i.e. eligible for “\$0”) because my account was under investigation for fraud. The representative advised me to re-upload my driver’s license and Social Security card, and I submitted them immediately.

10. I then called MDL several times to check on the status of my application for benefits. When I was lucky enough to get through, MDL representatives repeatedly told me that there had not yet been a determination on my claim and that it was “waiting on adjudication.”

11. In correspondence dated July 2, 2021, MDL thanked me for “providing documents to verify your identity and profile information” and stated that “we have reviewed and approved your documentation” and that “your debit card, with the previous balance, will be unfrozen and available for your use in 3-4 business days.” I do not know what debit card the letter was referring to because I had never received one from MDL.

12. The July 2 letter also stated that “Unrestricted access to your BEACON account portal will be restored immediately after your investigation has been completed.” I was again able to access BEACON in early July, but for some reason, I still could not file weekly certifications. I also still had not received any further eligibility determination or benefits.

13. Also around early July, or maybe late June, an MDL representative told me that the reason that the agency had not yet determined whether I was eligible for benefits was because I had earned income outside of Maryland during the last several months of my employment. I explained that Nazco had assigned me to out-of-state projects, but it was a Maryland corporation. I also explained that at least \$57,691 of my 2020 income came from Nazco projects within Maryland. This was during a phone conversation I had during one of the times I was able to get through to MDL. I had no written notice informing me of the basis for MDL’s continued delay in determining my claim for UI.

14. I then uploaded an IRS Form W-2 into BEACON showing my income from work for Nazco in Maryland in 2020. Another MDL agent later confirmed that this documentation was sufficient to establish my eligibility. Again, however, this confirmation was over the phone. I did not receive a written determination.

15. I also contacted Nazco to describe the situation, and Nazco provided me with documentation showing that it had been paying Maryland unemployment contributions for its employees, including me, throughout the relevant period. I contacted MDL and asked a representative whether I should upload a copy of this documentation. The representative told me that the agency did not need it.

16. Subsequently, I called MDL about every two weeks to check on the status of my initial claim. I always had to call multiple times and wait on hold for extended periods before I

could reach anyone. Various agency representatives that I finally did reach repeatedly told me that my claim was just awaiting adjudication.

17. In mid-September 2021, an MDL representative advised me that Nazco had not completed certain forms that MDL had requested. I contacted one of my former supervisors at Nazco, and then we called the agency together. MDL told us, contrary to what it had just advised, that the agency did in fact have everything it needed for my claim. Though I had been waiting more than three months at that point, I still received no determination.

18. In late September, a MDL representative told me that Nazco had reported income to Massachusetts' unemployment agency, speculating that this may be the reason for the continuing delay. I reiterated my previous explanation about Nazco's status as a Maryland company making contributions towards Maryland's unemployment system, and I shared my understanding that Massachusetts law required the company to also report income he had earned there. The representative told me that the agency would check with Massachusetts about their records.

19. To date, my initial May 2021 claim for benefits remains "pending" in BEACON. I have never received a written determination of eligibility, nor have I ever received payment of benefits.

20. Not having access to unemployment benefits has left me in a very precarious financial situation. I have had to borrow money from my mother and brother to pay for basic expenses, like my mortgage, utilities, and gas. I have had to get Food Stamps to be able to pay for meals. I went into several months of arrears on my cable and cell phone bills; I was able to work out a deferred payment plan so I could maintain phone service, but the cable was cut off.

19. The lack of funds has also damaged my health. I have asthma, hypertension, and diabetes, and I need to see various medical specialists and take several medications each day in order to keep these conditions under control. Because I did not receive unemployment benefits, I was unable to pay for all my medications, and missed an appointment with my endocrinologist. My health has deteriorated as a result; for example, my asthma symptoms have worsened with a cough that is not going away. Not having an income has also taken a significant toll on my mental health and has left me feeling very stressed and depressed.

21. I actively looked for work throughout my period of unemployment and, on October 4, 2021, I finally began a new job at another construction company. I am grateful that as a result, I will be able to begin paying off my cell phone arrears and my debts to the family members that have loaned me money over the last several months. However, there is nothing I can do to repair the damage to my health resulting from going without needed medications for months.

I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
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Mark Gorres

11/22/2021

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Date